

**Minutes of the
Upper Mississippi River System
Environmental Management Program
Coordinating Committee**

**May 18, 2000
Spring Quarterly Meeting**

**Marriott Madison West
Madison, Wisconsin**

Dusty Rhodes of the U.S. Army Corps of Engineers called the meeting to order at 8:07 a.m. on Thursday, May 18, 2000. Other EMP-CC members present were John Blankenship (USFWS), Leslie Holland-Bartels (USGS), Marvin Hubbell (IL DNR), Kevin Szcodronski (IA DNR), Steve Johnson (MN DNR), Gordon Farabee (MO DOC), and Terry Moe (WI DNR). A complete list of attendees is attached.

Minutes of the February Meeting

Terry Moe moved and Kevin Szcodronski seconded a motion to approve the minutes of the February 17, 2000 EMP-CC meeting as written. The motion carried unanimously.

Program Management

FY 00 Fiscal Performance

Leo Foley reported that the EMP's expenditures through March 31 totaled \$5.257 million. This represents approximately 29 percent of the \$18.438 million in total expenditures scheduled for the year. HREP expenditures through March totaled \$2.708 million, compared with scheduled expenditures for the year of \$11.567 million. LTRMP expenditures were \$2.466 million, compared with annual scheduled expenditures of \$6.748 million. Obligations through the end of March totaled \$5.210 million for HREPs and \$6.547 million for LTRMP. Foley cautioned that the expenditure figures are a bit low for this point in the year, but expressed optimism that the program will achieve full expenditures for the year. He noted that there is a contingency plan to transfer money from HREPs to the LTRMP if project delays threaten the habitat program's ability to expend fully.

Terry Moe asked about the recission of \$357,000 reported on the spreadsheet. Foley said this was the EMP's proportional cut of a Corps-wide recission. He explained that this amount was subsequently reprogrammed back to the EMP from funds available within the Rock Island District.

Moe asked whether the EMP still includes a recreation projects authority. Foley said he believes the recreation projects authorization has expired, but said he would request a legal opinion on the matter. Rhodes noted that the Corps can construct individually authorized recreation projects with a 50 percent nonfederal cost share.

In response to a question from Gordon Farabee, Foley explained that project planning starts will generally await the new HREP prioritization process. However, the districts have been instructed not to await the prioritization process if they need to initiate planning on new HREPs in order to keep projects in the pipeline. Foley said this will be done only to the extent necessary to avoid gaps in the flow of projects.

Moe asked about the regional administration line item on the spreadsheet. Foley said this reflects costs for overall project management, including the project manager's time. He explained that these expenses were previously identified as division coordination costs on the spreadsheet.

FY 01 Funding Outlook

Foley reviewed the likely funding allocations within the EMP under three different funding scenarios:

	FY-01 Budget Proposal (President's) (\$000's)	FY-01 Budget Proposal (Potential) (\$000's)	FY-01 Budget Proposal (Possible) (\$000's)
Total \$ Budgeted	18,000	22,500	25,000
S&S (10.0%)	1,800	2,250	2,500
Administrative Costs	110	110	110
HNA	-	-	-
Sub (Tot-Admin)	16,090	20,140	22,390
LTRMP 31.4%	5,052	6,324	7,030
HREP (68.6%)	11,038	13,816	15,360
St. Paul District (35%*)	3,863	4,836	5,376
Rock Island District (40%*)	4,415	5,526	6,144
St. Louis District (25%*)	2,759	3,454	3,840
* HREP allocation could change based on the project prioritization process			

Foley noted that the scenarios correspond with the President's budget request (\$18.0 million), the amount advocated by the UMR Congressional Task Force (\$25.0 million), and a possible mid-range compromise amount (\$22.5 million). He emphasized that the Corps does not yet have any strong indication as to what the FY 01 appropriation will be.

Implementation Guidance

Foley reported that Corps headquarters issued its EMP implementation guidance to MVD on May 12. The guidance addresses provisions of WRDA 99 as well as recommendations

contained in the Partnership Report to Congress. Foley noted that the guidance is largely consistent with the recommendations that MVD had previously submitted to headquarters, including credit for in-kind services, confirmation of land acquisition authority, and increased delegation of authority. General Anderson has not yet officially transmitted the guidance to the Rock Island District with directives regarding its implementation.

Holly Stoerker asked about the provision requiring the Assistant Secretary of the Army's (ASA) approval of in-kind services prior to the execution of the work. Foley explained that cost sharing agreements require ASA approval, though this authority is frequently delegated. Consistent with this general policy, the EMP guidance is requiring specification of in-kind services in the project cooperation agreement (PCA). He said project sponsors wishing to obtain credit for work early in a project would have to sign a PCA prior to initiation of the definite project report. Marvin Hubbell asked whether it might be possible to have 2 PCAs, one for the project planning phase and the other for construction. Foley said this approach has been used in other programs and could be applied to EMP projects. Dusty Rhodes expressed confidence that the requirement for advance approval of in-kind services will not be onerous, regardless of whether the ASA delegates approval authority. Rhodes encourages those with questions about the PCA process to contact Mike Hardin at MVD.

Hubbell said he is quite pleased with the overall implementation guidance, noting that its land acquisition provisions will be particularly helpful. Jeff Stein observed that the guidance directs MVD to prepare a proposal to implement the independent technical advisory committee. Stein asked about MVD's timeframe for developing this proposal. Rhodes said MVD is still reviewing headquarters' guidance. Upon completion of this review, General Anderson will issue directives regarding specific actions to implement the guidance.

Partnership Issues

Holly Stoerker reported that the directors of the five state EMP partner agencies will be sending joint letters to the Fish and Wildlife Service and the Corps of Engineers. She explained that the letters are in follow-up to discussions at the February 2000 EMP-CC meeting. According to Stoerker, the letters will convey the states' perspectives on the future of the EMP's HREP component. In particular, the letter to General Anderson will focus on the states' ability and willingness to cost share and will also urge the Corps to seek increased funding for the EMP and express the states' desire for DOI to fund the Service's involvement. The letter to Director Hartwig will emphasize the importance of all program partners contributing to the program, express the states' willingness to help Region 3 obtain the resources it needs from within the Interior budget, and ask how the states should work with the Service on particular projects given the budget constraints.

John Blankenship said the states' letter does not come as a surprise. He noted that the UMR Congressional Task Force supports allocating an additional \$6 million to address Region 3's needs on the UMR. Blankenship said this amount would meet needs in several areas, including the EMP, but said he is not optimistic that Region 3 will actually receive this amount. He noted that there are projects for both UMR refuges within the Service's Refuge Operating Needs (RONs) proposal, but said the EMP is competing with other pressing needs even within the UMR refuges, including comprehensive refuge planning and requirements under the Refuge System Administration Act. Reiterating his comments from the February meeting,

Blankenship assured the EMP partners that the Service will meet its existing commitments to habitat projects. However, he emphasized that the Service's ability to take on additional obligations, given Region 3's resource constraints, is in question.

Marvin Hubbell said he has alerted Illinois DNR field staff that the Service's HREP planning and O&M constraints may affect work with Service staff on individual habitat projects. Hubbell requested guidance from Blankenship on the states' options for working with the Service in light of these constraints. Blankenship said the Service will respond promptly to the states' letter. He suggested that it be addressed to Service Director Rappaport Clark rather than Regional Director Hartwig. In response to a question from Stoerker, he acknowledged that this strategy would likely delay the Service's response.

Regarding the states' letter to the Corps, Dusty Rhodes said he believes the Corps has been aggressive in budgeting for the EMP. He emphasized that the Corps can only seek money for the HREP program to the extent that there are project sponsors available. Moreover, he stressed that the Corps will not design projects that are inappropriately loaded with first construction costs in an effort to reduce future O&M costs. Rhodes recommended that the states include the ASA and the Office of Management and Budget among the addressees in their letter to the Corps.

Kevin Szcodronski recommended that the states change the addressees of the joint letters as suggested by Blankenship and Rhodes. The other state EMP-CC members concurred.

Blankenship expressed cautious optimism that the Service will see an increase in refuge O&M funding. According to Blankenship, the prospects are not as good for increased DOI funding for project planning. He explained that the Service's request to the Corps for \$300,000 in planning money would support one staff person on each of the two UMR refuges. These staff people would be totally dedicated to the EMP. In addition, the funding would also cover some of the time from ecological services and fisheries staff who are also involved in HREP planning.

Greg Ruff noted that Region 3's January 27 letter raised the following three issues:

- 1) transfer of EMP funds to support the Service's HREP planning role,
- 2) assistance with rehabilitation of damaged or defective projects after project transfer, and
- 3) O&M funding.

Ruff reported that MVD is inclined to transfer EMP funds to the Service for HREP planning. He explained that the Corps understands the need for Service involvement in the preparation of items such as Fish and Wildlife Coordination Act Reports (CARs), and typically funds such work by the Service for other Corps projects. He said the Corps does not have authority to transfer funds to address either of the other two issues raised by the Service. Rhodes elaborated on how the Corps works with the Service on other projects. He emphasized that the Corps pays the Service to provide specific products that are needed, such as CARs, but does not transfer money to support permanent staff. Rhodes said any transfers of EMP funds would follow this practice.

Szcodronski asked about the specific work that would be performed by the two refuge staff dedicated to the EMP. Blankenship emphasized that the Service is involved throughout the entire HREP planning process, not merely in the preparation of CARs. This includes a range of activities during a project's early stages. He said this is also true of the Service's involvement in other Corps projects. Szcodronski noted that Iowa is contemplating several projects that are at least partly on refuge lands and said the state has typically worked with the individual site managers on such projects. Blankenship said the EMP-dedicated refuge person would serve as the point of contact for all projects on his/her refuge. He observed that refuge staff with other responsibilities are simply too busy to dedicate sufficient time to HREP planning. In response to a question from Szcodronski, Blankenship said staff from the Rock Island and Twin Cities field offices and the La Crosse fisheries office also work on HREPs and need funding to support their involvement. Rhodes emphasized that the Corps will buy products, not staff time. As such, the Corps will require scopes of work (SOWs) that identify specific deliverables, but will not concern itself with who does the work or where it is performed.

Szcodronski said he understands Rhodes' point, but stressed that he and the other states would like to have an idea how the money will actually be spent. Gordon Farabee asked whether the states will have an opportunity to provide input on the SOWs. Rhodes said the Corps is willing to have the states review the scopes, but stressed that this review must be timely and efficient.

Terry Moe voiced strong opposition to the Corps' anticipated course of action. He said paying the Service for specific products amounts to paying them to perform the same work that the states do for free. Blankenship said the Service simply does not have the funds to make future EMP work a priority. Szcodronski noted that the Service has also expressed concern with its ability to meet O&M obligations for additional projects. He observed that there is no point in transferring money to the Service to plan projects if it cannot operate and maintain those projects. Blankenship expressed confidence that the Service will successfully address its refuge O&M backlog. He said the Service will speak to this issue in its response to the states' joint letter.

Marvin Hubbell noted that the Service's January letter requested \$300,000 and said he assumed that the actual amount to be transferred will depend upon the costs of the specific products that are identified in the scopes. Hubbell also noted that the Service's work may reduce the Corps' own staff costs in some instances, meaning that the net cost to the program may be somewhat lower than the actual amount transferred to the Service. In response to a question from Hubbell, Rhodes said the Corps will buy Service products as needed for both refuge and non-refuge products. Rhodes said Leo Foley, as EMP project manager, will be responsible for ensuring that the Corps focuses on viable projects and does not buy products for HREPs that will not be built.

While the Corps is inclined to buy products from the Service for specific HREPs, Rhodes emphasized that General Anderson has not yet made a final decision on the Service's request. Moe expressed Wisconsin's strong opposition to the Corps' proposed approach. He cautioned that expenses unrelated to projects increasingly encumber the EMP. Moe asked the other state EMP-CC members for their positions. Szcodronski noted that it is common practice for federal agencies to transfer money to one another as needed for work on specific projects and

programs. As such, he said Iowa supports the Corps' proposed response, subject to the development of appropriate SOWs. Farabee said Missouri will likely support the approach, citing the accountability provided by the SOWs and the anticipated efficiency gains for the program. However, Farabee said Missouri will withhold its final judgment until the scopes are available for review. Hubbell said Illinois is prepared to support the proposed approach based on the preceding discussion. He cited well-written, product-oriented scopes and anticipated efficiency as key to Illinois' support. Hubbell also stated his assumption that the costs for these Service-provided products will come entirely from the HREP side of the program. Steve Johnson said Minnesota opposes the transfer of planning or O&M funds to the Service, but has no objection to transferring money for CARs and other specific products, assuming there are SOWs that the states can review. Johnson said he would like to review the Corps' proposed approach after a year, including data on the amount of money transferred and the estimated savings due to reduced Corps workload. Rhodes said the Corps can definitely provide figures on the amount of money transferred and will do its best to measure cost savings.

Foley repeated Blankenship's earlier point, reminding people that the Corps will buy a variety of work from the Service, not merely the preparation of CARs. In response to a question from Szcudronski, Foley said project fact sheets may be one such product. John Barko suggested that the Service might be paid to do project performance evaluations. Foley said the scopes will be shared with the other program partners as they become available. Moe asked whether there are SOWs for other administrative-type costs. Foley said there are not scopes *per se* for baseline monitoring and biological response studies, but said something similar is prepared. Moe expressed interest in seeing documentation of the Corps' administrative costs for the EMP. Szcudronski said he is not interested in reviewing this information. Rhodes said Wisconsin can seek an audit if it wants. Moe said he is not asking for an audit, but merely to have information similar to that which will be available for the money transferred to the Service. Rhodes said he has tasked Ruff and Foley with identifying ways to reduce overhead costs and put more money on the ground. He indicated that MVD will respond quickly to the Service's January letter.

Habitat Needs Assessment

Mike Thompson explained that the HNA Technical Report is the entire body of information used to produce the Overview/Summary Report and the Query Tool. He reported that, on April 12, the existing and forecast future conditions sections of the Technical Report were forwarded to the Technical Team for review. A Beta version of the Query Tool was also distributed for review in April, and the series of meetings with resource managers regarding desired future conditions was completed on May 16. Thompson said the Technical Team will hold another meeting to discuss the resource managers' desired future conditions, support needed for the Public Involvement Team's focus group meetings, and final review of the HNA.

Thompson reported that the public involvement focus group meetings are scheduled for June and July. The SOW for the meetings was completed on May 17, and the Public Involvement Team will meet with the contractor prior to the focus group meetings.

In contrast to the approach originally envisioned, the qualitative desired future conditions input from the focus groups will not be synthesized with the more quantitative desired future information from the resource managers. Instead, the focus groups' and resource managers' perspectives will be presented in a parallel fashion in the final report. Bob Clevestine said

there will be an effort to identify areas of convergence and divergence between the resource managers and the public.

In response to various questions, Clevenstine said the Public Involvement Team and contractor will determine the composition and size of the focus groups. Based on the team's earlier input, Clevenstine said the plan is to separate the focus groups by interest rather than having more heterogeneous groups. The results of the resource manager meetings will be available to focus group participants. Clevenstine said the focus groups will consider the following questions:

- Does the Technical Team's characterization of the resource make sense? Is it understandable and relevant?
- Do they understand the Technical Team's assessment of forecast conditions?
- Do they understand the Technical Team's assessment of desired conditions?
- What are alternative expectations for desired future conditions?
- What are options and alternatives for future public involvement opportunities in the EMP/HNA process?

Thompson outlined the following steps for reviewing and submitting the final HNA:

- Technical Team completes review of draft Technical Report by 6/00.
- Draft Overview/Summary Report (technical portions only — i.e., exclusive of executive summary, public involvement section, and final recommendations) is distributed for review by EMP-CC and others on 7/31/00.
- Comments on draft Overview/Summary Report (technical portions only) are due 8/18/00.
- Complete draft Overview/Summary Report is distributed for review on 8/31/00.
- Comments on complete draft Overview/Summary Report are due 9/14/00.
- Final HNA is submitted to MVD on 9/30/00 (duplication of report for distribution will await MVD review).

James Falvey questioned the value of holding the focus group meetings if the results of these meetings will not be reflected in the final report. Clevenstine clarified that the anticipated qualitative input from the focus groups will not be integrated with the more quantitative measures of desired future conditions expressed by the resource managers. However, he emphasized that input from both the focus groups and the resource managers will be fully reflected in the HNA report. Dan Wilcox noted that the focus groups were never intended to yield a quantitative expression of the public's desired future conditions. He expressed optimism that it will be possible to identify areas of convergence and divergence between the resource managers and the public.

In response to a question from Gordon Farabee, Clevenstine indicated that the information comprising the complete Technical Report will be available via the internet and on CD. The relatively brief, less technical Overview/Summary Report will be the primary vehicle for broad

distribution of the HNA. Wilcox noted that the Beta version of the Query Tool is already proving to be a useful river management tool. In response to a question from Marvin Hubbell, Thompson indicated that the Overview/Summary Report will include an assessment of the HNA's current applications and future information needs.

Terry Moe noted that the HNA uses information from the navigation study to forecast future conditions. He expressed concern that these navigation study data are incompatible with other data being used in the HNA. Clevenstine replied that the Technical Team agreed early in the process to use 18 habitat classes. He expressed confidence that the navigation study data have been successfully translated into these 18 classes for use in the HNA. He also noted that the forecast future is essentially a visioning tool, explaining that the existing and desired future conditions are the driving factors in determining habitat needs.

Dusty Rhodes expressed appreciation for Thompson and Clevenstine's interagency teamwork in leading the HNA.

HREP Prioritization Process

Leo Foley reported that the ad-hoc interagency group working to scope a new HREP prioritization process revised its February 8 draft framework. These revisions were based on discussion at the February EMP-CC meeting and written comments submitted subsequent to that meeting. Foley reviewed the revised framework, dated May 1, and offered his perspectives on the major comments received:

- Comment: There are too many new teams. Response: The draft framework establishes only one new team, making use of existing groups in all other instances.
- Comment: Commenters offered various perspectives on the composition of the teams, with some calling for outside scientists on the System Ecological Team and others opposing such an approach. Response: Composition of teams remains to be determined.
- Comment: Who determines the evaluation criteria? Response: The teams will take the lead in developing their own evaluation criteria.
- Comment: Must be reasonable consistency among fact sheets for system-level teams to do their work. Response: Don Powell will draft a fact sheet template for review and consideration.
- Comment: When will the new prioritization process begin to influence funding decisions? Response: The process will likely be applied to new project planning starts in FY 01. Projects already in planning or construction will not be affected.
- Comment: What about projects that have previously been identified but for which planning has not been initiated? Response: Assume these projects will be considered under the new prioritization process along with new project proposals.

Gordon Farabee noted that people in the St. Paul and Rock Island Districts are starting to develop pool plans. According to Farabee, the to-be-formed St. Louis team will likely also consider this approach. He urged that the plans be sufficiently standardized to permit

comparisons across districts. Foley concurred, stressing that the three districts should take compatible, though not necessarily identical, approaches. He noted that the Rock Island team envisions that its pool plans will identify work that can be done under a range of programs, not merely the EMP. Dusty Rhodes said he shares Farabee's concern regarding consistency, noting that one of MVD's challenges is to balance efficiency and innovation.

Foley said the Rock Island District is prepared to submit the prioritization framework to MVD if the EMP-CC members are comfortable with the May 1 draft. Additional next steps include selection of the System Ecological Team members and a request for the various teams begin to develop their evaluation criteria. Jeff Stein asked whether there had been any consideration of using the new process to review projects already in the pipeline. Foley said a wholesale review of current projects would be inefficient and would threaten program execution. However, he said individual projects with identified problems could be reviewed under the new process.

Kevin Szcodronski said he believes the proposed process could work well. He suggested that the UMRCC Executive Board members might serve as the core of the System Ecological Team, along with representatives of the Corps and the Fish and Wildlife Service. Hubbell and Moe recommended that the Rock Island District forward the draft framework to MVD. Moe said the System Ecological Team should include representatives from each District Ecological Team, each state, the Fish and Wildlife Service, and the LTRMP. Foley suggested a conference call to discuss the composition of the System Ecological Team. Dan Wilcox said the System Ecological Team should work with the district teams in developing pool and river reach plans to ensure that these plans add up to a system plan.

LTRMP Plans and Analyses for Program Future

Leslie Holland-Bartels distributed a revised version of the out-year plan developed at the request of the A-Team and EMP-CC. She stressed that data analyses should drive the out-year plan, but acknowledged that there is something of a "chicken and egg" problem. Resources for such analyses are quite limited under current funding levels. In essence, the partnership needs the ramped up program to do the best job possible designing the ramped up program. As a result, Holland-Bartels recommended an iterative, "status and analysis" approach, first designing a general plan for the future that can be used as a basis for seeking increased funding and then refining that plan as the increased funding permits more thorough analysis. She distributed a handout with a series of questions related to spatial issues, efficiency of core programs, potential modifications to monitoring, and other issues. For each of the specific questions, the handout identifies the individual LTRMP work items that are relevant to answering that question. Holland-Bartels explained that this approach allows people to understand how various aspects of the LTRMP relate to answering the questions in which they are most interested. In response to a question from Dusty Rhodes, Holland-Bartels indicated that there is a good partnership process in place for prioritizing information needs.

Holland-Bartels gave several examples of how analyzing information needs can enhance program focus and efficiency:

- Systemic models can provide information about areas not subject to direct monitoring.

- By focusing on end users' information needs and reducing the number of land cover/land use (LC/LU) categories, UMESC has been able to substantially reduce the time and funding required to create systemic LC/LU coverages.
- Using the ArcView Model Builder application with the Query Tool permits more sophisticated habitat prediction models that draw on more data and are less likely to over-predict habitat suitability than the original Query Tool. This will be a powerful tool for use in the HNA, HREP planning, and project monitoring.

She noted that resource constraints will force the program partners to prioritize among these opportunities. For example, if people are anxious to take advantage of the refined Query Tool, then they might emphasize obtaining additional data, such as bathymetry, and other things needed to build that platform. In response to a question from Rhodes, John Blankenship indicated that the refined Query Tool could be quite useful in Endangered Species Act work, assuming that the necessary data are available.

Holland-Bartels explained that the technical staff's input regarding program priorities is reflected in the draft out-year plan she distributed. She solicited the EMP-CC members' perspectives regarding priorities and the format of the draft plan. She also advised rounding-off the current draft's cost estimates to eliminate their artificial precision. Leo Foley expressed concern that people might equate the USGS and Corps logos on the cover of the document with a commitment to fund the program at the proposed levels. Holland-Bartels agreed that it is important for the plan to reflect various uncertainties. Terry Moe praised the draft out-year plan and Holland-Bartels' handout showing how specific tasks relate to answering various key questions. He concurred that the plan does not reflect a commitment to fund the LTRMP at specific levels, describing it instead as a document designed to justify increased funding. In response to questions from Moe, Holland-Bartels and Jerry Skalak said the estimates for bathymetric and elevation data are estimates and clarified that both LTRMP and non-LTRMP funding sources will be considered for this work.

Holly Stoerker said Holland-Bartels' handout is quite helpful in linking discrete LTRMP tasks with the big picture decision process. She encouraged Holland-Bartels to incorporate this information into the draft plan. Holland-Bartels clarified that the handout currently reflects only her thinking and welcomed input on how it might be incorporated into the draft plan.

Jim Harrison asked how the sediment work being done under the LTRMP relates to the sediment monitoring that may be authorized as part of Representative Kind's Upper Mississippi River Basin Conservation Act (H.R. 4013). Holland-Bartels said she did not develop the monitoring framework outlined in H.R. 4013, but indicated that she has talked with the bill's proponents about the importance of coordinating with other work, including the LTRMP's sediment monitoring and modeling.

Marvin Hubbell complimented Holland-Bartels on her efforts to address future program planning and on her overall management of the LTRMP.

Other Business

Holly Stoerker announced that future EMP-CC meetings will be held on August 10 in the Quad Cities, November 16 in St. Louis, and March 1 in the Twin Cities.

Dusty Rhodes invited agenda item requests for the next meeting. Jim Harrison observed that there is no EMP-CC meeting scheduled between the close of the HNA comment period and submission of the final HNA to MVD. Rhodes acknowledged this, noting that the Corps is statutorily required to complete the assessment by September 30. Rhodes expressed hope that the partners will not have extensive problems or comments, given how involved they have been in developing the HNA. He said the August agenda will include time to discuss the draft report.

Terry Moe asked that the August agenda include a discussion of the System Ecological Team proposed in the draft HREP prioritization framework. Kevin Szcodronski suggested that the August agenda also include time to discuss the draft SOWs for the Service's HREP planning tasks.

With no further business, the meeting adjourned at 11:51 a.m.